

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
NS of Philadelphia Road, 723 ft.
E of Joppa Road * ZONING COMMISSIONER
11130 Philadelphia Road
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Legal Owners:Elden LeBrun, et ux * Case No. 99-42-X
Contract Purchaser: Carolyn
J. Eklund, Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 11130 Philadelphia Road, in the Honeygo district of the White Marsh community. The Petition was filed by Elden E. LeBrun and Geraldine D. LeBrun, property owners, and Carolyn J. Eklund, their daughter, Contract Purchaser/Lessee. Special exception approval is requested for a Class B Assisted Living Facility for the elderly, to provide 12 beds in a newly constructed building which will adjoin an existing single family dwelling on a 3.5 acre lot. The subject property and requested relief are more particularly shown on Petitioners' Exh. 4, the plan to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case were Elden E. LeBrun and Geraldine D. LeBrun, his wife, property owners. Their daughter, Carolyn J. Eklund, was also present. Mrs. Eklund will be the proprietor of the proposed Assisted Living Facility. Larry Outten, a neighbor, appeared as an interested person. The Petitioners were represented by Richard W. Moore, Esquire. There were no Protestants present.

Assisted Living Facilities are defined within Section 101 of the Baltimore County Zoning Regulations (BCZR). That section states that an Assisted Living Facility is any building or section of a building which provides a residential environment for senior citizens 62 years of age or older who require assistance with one or more of the essential activities of daily living. That definition further requires that the facility must

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Date

By

90/08/98
M. G. G. G.

be certified or licensed by the Maryland Office on Aging or as otherwise required by the Code of Maryland Regulations. A Class B Assisted Living Facility is located in a new building constructed for that purpose or in an older building which has been enlarged or accommodated by at least 25% of the ground floor area.

Assisted Living Facilities are permitted only by special exception in a D.R. zone, pursuant to Section 1B01.1.C(26). Moreover, Assisted Living Facilities are regulated pursuant to the provisions set forth in Section 432 of the BCZR.

Testimony and evidence presented in this case was that the subject property is approximately 3.5 acres in area, zoned D.R.2H. As noted above, the property's frontage is located along Philadelphia Road in the Honeygo district of the White Marsh community. Presently, the property is improved with a two story framed single family dwelling in which Mr. and Mrs. LeBrun reside. The property also features a patio and there is a detached garage and a shed. Presently, the property is used for strictly residential purposes. Vehicular access to the property is currently provided by a driveway which serves this and adjacent properties known as Dunroyin Lane.

Mrs. Eklund testified at the hearing and indicated that she is the daughter of the property owners, Mr. and Mrs. LeBrun. She proposes constructing a substantially sized addition to the existing dwelling. The addition will, in appearance, be a new building and will measure approximately 86 ft. and 58 ft. in depth. A schematic elevation drawing (Petitioners' Exhibit No. 2) was submitted at the hearing which shows the proposed building, as was a floor plan (Petitioners' Exhibit No. 3).

Mrs. Eklund testified that she anticipates providing living quarters for up to 12 seniors. These will be individuals who are at least 62 years of age and are in need of assistance with one of the essential activities

ORDER RECEIVED FOR FILING
Date 10/20/98
By M. Novak

of daily living. The proposal is not for a nursing home and there will be no nursing care services. In this regard, the Petitioner indicated that she expected to employ approximately 3 persons during the day, 2 during an evening shift and 1 on an overnight basis. Additionally, she will continue to reside in the existing dwelling, thus, she will be on the premises at all times. There will be communal dining and the facility will be designed to be residential in appearance and operation.

Mr. Outten was the sole individual who appeared as an interested citizen in the community. He resides immediately next door. He indicated that he does not oppose the Petition but was concerned about two issues. Specifically, he voiced opposition to the continued use of Dunroyin Lane to provide access to the proposed facility in that site he believes that additional traffic caused by the facility will over burden that small driveway. He supports the construction of a new driveway leading directly to the interior of the property from Philadelphia Road. Apparently, this concept is also endorsed by the State Highway Administration. Second, Mr. Outten expressed concerns over increased areas of impervious surface on the property and potential storm water runoff onto his property. The grade of the subject site, however, appears to mitigate this potential problem.

Although only Mr. Outten appeared from the community, there were significant Zoning Plans Advisory Committee (ZAC) comments received. The State Highway Administration's comment states that the existing driveway is not an appropriate means of access to the facility due to insufficient eastbound site distance. That comment further indicates that the property owner must obtain an access permit and construct a new driveway to provide access. A schematic representation of a new driveway was submitted at the hearing. Also, a comment was also received from the Fire Department that the new construction must comply with the Fire Code. A comment was re-

ceived from the Department of Environmental Protection and Resource Management (DEPRM), that the site was comply with the Forest Conservation Regulations and that soil evaluations must be conducted to determine the septic reserve area. Although there are public sewers in the area, apparently this property is not served by public sewer. A series of recommendations were also offered by the Office of Planning. Their comment requires that the Petitioners submit a compatibility recommendation for the proposed use. Also, the Office of Planning noted the requirements as set forth in Section 432 of the BCZR and stated that the project must comply with those conditions. Last, a lengthy comment was received from the Development Plans Review Division of the Office of Permits and Development Management. That comment also referenced the proposed new driveway and vehicular access to the site.

I am appreciative of the fact that the Petitioners do not desire to commit significant financial resources to this project until the Petition for Special Exception was considered and approved. For this reason, many of the issues raised within the ZAC comments have not been resolved. If adequately resolved, it appears that the proposed use on the subject property would be appropriate. The property is a large lot and appears capable of handling the new building addition. Moreover, the proposed use appears appropriate for the surrounding community.

Based upon the testimony and evidence offered, I will grant the Petition for Special Exception. However, I will impose significant conditions to ensure that the project is constructed and operated so as not to be detrimental to the health, safety or general welfare of the locale. Specifically, I will require the Petitioner to comply with all of the ZAC comments as highlighted above. Additionally, I shall restrict the use to permit the residency of not more than 12 senior citizens. Although 15 are


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10/20/98
By [Signature]

permitted by law, only 12 will be allowed, pursuant to this Order. In the future, upon a Petition for Special Hearing to amend this Order, that restriction could be eliminated or modified.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of October 1998 that, pursuant to the Petition for Special Exception, approval for a Class B Assisted Living Facility for the elderly to provide 12 beds in a newly constructed building which will adjoin an existing single family dwelling on a 3.5 acre lot, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with all of the ZAC comments issued in this case as noted above; namely, from the Development Plans Review Division, the Fire Department, the State Highway Administration, DEPRM and the Office of Planning.
3. The proposed Assisted Living Facility for this property shall not house more than 12 senior citizens.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mun



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 19, 1998

Richard W. Moore, Esquire
40 W. Chesapeake Avenue, Suite 518
Towson, Maryland 21204

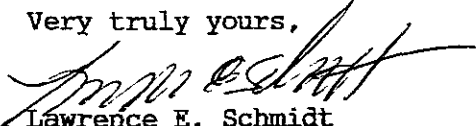
RE: Case No. 99-42-X
Petition for Special Exception
Legal Owners: Elden E. Lebrun, et ux
Contract Purchaser: Carolyn J. Eklund, Petitioners
Property: 11130 Philadelphia Road

Dear Mr. Moore:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Ms. Carolyn J. Eklund
3306 Greenton Avenue
Baltimore, Maryland 21214
c: Mr. Larry Outten
11136 Philadelphia Road
White Marsh, Maryland 21162





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 11130 Philadelphia Rd.
which is presently zoned DR 2H

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

home based Class "B" Assisted Living Facility
for the elderly, 12 beds in a newly constructed building,
situated near to or adjoining an existing single family dwelling,
on a 3.5 acre lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee.

Carolyn S. Eklund
(Type or Print Name)

Carolyn S. Eklund
Signature

3306 Grenton Ave.
Address

Baltimore MD 21214
City State Zipcode

Legal Owner(s)

Elden E. LeBrun
(Type or Print Name)

Elden E. LeBrun
Signature

Geraldine D. LeBrun
(Type or Print Name)

Geraldine D. LeBrun
Signature

11130 Philadelphia Rd. 410-335-6693
Address Phone No

Baltimore MD 21162
City State Zipcode

Name, Address and phone number of representative to be contacted.

Carolyn S. Eklund
Name

3306 Grenton Ave 410-444-7562
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: jun DATE 7-23-98



Revised 9/5/95

99-42-X

42

ZONING DESCRIPTION

11130 Philadelphia Road
White Marsh, Maryland 21162-1410

Owners: Elden E. and Geraldine LeBurn

Beginning at a point on the north side of **Philadelphia Road**, 723 feet east of **Joppa Road**, thence, eastward along the center of **Philadelphia Road** North 36 degrees 30 minutes East 285 feet to the west side of **Dunrovin Lane**, thence, along the west side of **Dunrovin Lane**, North 53 degrees 30 minutes West 400 feet, thence South 36 degrees 30 minutes West 437.49 feet, thence, South 65 degrees 45 minutes East 285.67 feet, thence, North 89 degrees 15 minutes East 151.80 feet to the centerline of **Philadelphia Road** and to the place of beginning.

Containing 3.528 acres of land. As recorded in the Baltimore County Land Records in Liber No. 7541, folio 672



99.42-X

BALTIMORE COUNTY, MARYL
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056202

DATE 7-23-98 ACCOUNT Reol-E150

AMOUNT \$ 300.00

RECEIVED E. LEBRUN FROM: 11130 PHILADELPHIA

FOR: (OSO) SP-X.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

JCH

PAID RECEIPT

PROCESS ACTUAL TIME
7/24/1998 7/23/1998 15:15:14
REG 0502 CASHIER JRIC JMR DRIVER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 054688
CR NO. 056202

300.00 CHECK

Baltimore County, Maryland

99-42-X

CASHIER'S VALIDATION

CERTIFICATE OF PUBLICATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the proposed identified rezoning follows:

Case #98-42-X
11130 Philadelphia Road
NMS Philadelphia Road, 723
E of Joppa Road
11th Election District
5th Councilmanic District

Legal Owner(s):
Elden E. LeBrun &
Gerakline D. LeBrun
Contract Purchaser:
Carolyn Eklund

Special Exception: for a
home based Class "B" Assisted
Living Facility.

Hearing: Thursday, September 10, 1998 at 11:00 a.m.,
in Room 407, County Courts
Bldg., 481 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353.

(2) For information concerning
the File and/or Hearing,
Please Call (410) 887-3391.

8/290 Aug. 20 c252166

TOWSON, MD., 8/20/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/20/, 1998.

THE JEFFERSONIAN,

A. Henrickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

RE: Case # 99-42-X
Petitioner/Developer:
(Carolyn J. Eklund)
Date of Hearing/Closing:
(Oct. 1, 1998)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

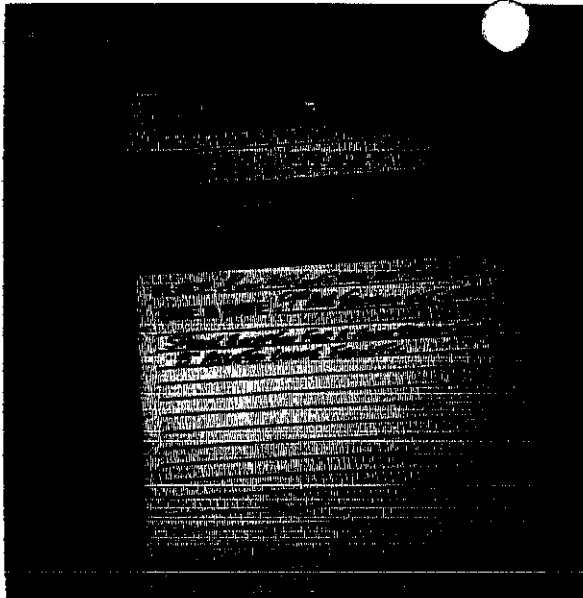
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____

11130 Philadelphia Road Baltimore, Maryland 21162 _____

The sign(s) were posted on _____ Sept. 14, 1998 _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster & Date)

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-42X
Petitioner: ELDEN LeBRUN
Address or Location: 11130 PHILADELPHIA RO.

PLEASE FORWARD ADVERTISING BILL TO:

Name: CAROLYN EKLUND
Address: 3306 GREENTON Ave.
BALTO. Md. 21214
Telephone Number: 410-444-7562

Revised 2/20/98 - SCJ

99.42-X

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 8-2-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-42-X

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL EXCEPTION FOR A
12 BED ASSISTED LIVING FACILITY
(CLASS "B")

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 1, 1998

Ms. Carolyn J. Eklund
3306 Grenton Avenue
Baltimore, MD 21214

Dear Ms. Eklund:

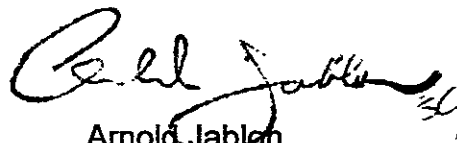
RE: Zoning Case Number 99-42-X, 11130 Philadelphia Road, 11th Election District

The above matter, previously assigned to be heard on September 10, 1998 has been postponed at your request. The case has been **rescheduled for Thursday, October 1, 1998 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,


Arnold Jablon
Director

AJ:scj

c: Richard W. Moore, Esquire
Geraldine & Elden LeBrun

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
August 20, 1998 Issue - Jeffersonian

Please forward billing to:

Carolyn Eklund
3306 Grenton Avenue
Baltimore, MD 21214

410-444-7562

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-42-X
11130 Philadelphia Road
N/S Philadelphia Road, 723' E of Joppa Road
11th Election District - 5th Councilmanic District
Legal Owner: Elden E. LeBrun & Geraldine D. LeBrun
Contract Purchaser: Carolyn J. Eklund

Special Exception for a home based Class "B" Assisted Living Facility.

HEARING: Thursday, September 10, 1998 at 11:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT^{SES}
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS
PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-
887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 3, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-42-X
11130 Philadelphia Road
N/S Philadelphia Road, 723' E of Joppa Road
11th Election District - 5th Councilmanic District
Legal Owner: Elden E. LeBrun & Geraldine D. LeBrun
Contract Purchaser: Carolyn J. Eklund

Special Exception for a home based Class "B" Assisted Living Facility.

HEARING: Thursday, September 10, 1998 at 11:00 a.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

c: Richard W. Moore, Esquire
Carolyn J. Eklund
Geraldine & Elden LeBrun

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY AUGUST 26, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 10, 1998

Ms. Carolyn J. Eklund
3306 Greenton Avenue
Baltimore, MD 21214

RE: Item No.: 42
Case No.: 99-42-X
Location: 11130 Philadelphia
Road

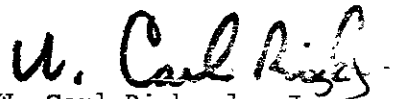
Dear Ms. Eklund:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 23, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

AUGUST 7, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: ESCO, LTD. 043
424 VA/TOWSON LIMITED PTNP. USE PERMIT
ELDEN E. LEBRUN AND GERALDINE D. LEBRUN 042
EDGEMERE FREE METHODIST CHURCH 034
THOMAS G. MITCHELL 032
HOLSAN DEVELOPMENT CORPORATION 028

Location: DISTRIBUTION MEETING OF AUGUST 3, 1998

Item No.: 028, 032, 034, 042, USE PERMIT Zoning Agenda:
043

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



Due Date: 8/10/98

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/JP*

SUBJECT: Zoning Item #42

Class B Assisted Living - 11130 Philadelphia Road

Zoning Advisory Committee Meeting of

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X GWM: Soil evaluations must be conducted to determine the septic reserve area. Contact GWM at extension 2762.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Date: August 12, 1998
Department of Permits & Development
Management

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 10, 1998
Item No. 042

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting, Philadelphia Road, a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

If the 35 foot right-of-way shown for Dunrovin Lane is private, the developer must dedicate the right-of-way along his frontage at no cost to the County.

The developer will also be responsible for road improvements along his frontage with Dunrovin Lane. The ultimate improvement will be a 30 foot paved section on a 50 foot right-of-way.

Baltimore County Bureau of Highways does maintain approximately 640 feet +/- of Dunrovin Lane southeast of Lilac Lane.

Site is in the metropolitan district, but Bureau of Engineering indicated sewers are not available.

ZONE810.042

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 12, 1998

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 10, 1998
Item No. 042

The Development Plans Review Division has reviewed the subject zoning item. All improvements, intersections, entrances, drainage requirements and construction affecting, Philadelphia Road, a State Road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

If the 35 foot right-of-way shown for Dunrovin Lane is private, the developer must dedicate the right-of-way along his frontage at no cost to the County. *nothing indicates County ownership*

Robert Maiolatesi - Records Section Br of Land Acquisition
The developer will also be responsible for road improvements along his frontage with Dunrovin Lane. The ultimate improvement will be a 30 foot paved section on a 50 foot right-of-way.

Baltimore County Bureau of Highways does maintain approximately 640 feet +/- of Dunrovin Lane southeast of Lilac Lane.
12/100 mile maintenance SE from Lilac

Site is in the metropolitan district, but Bureau of Engineering indicated sewers are not available.

ZONE810.042

Herb Oberc Rm 207
Asked if we put in private access from Philadelphia Rd then development of Dunrovin Lane is not necessary
Answered Yes

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 13, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11130 Philadelphia Road

INFORMATION:

Item Number: 42
Petitioner: Elden E. LeBrun
Property Size: 3.5± acre
Zoning: DR 2H
Requested Action: Special Exception
Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The site is located within the Honeygo Overlay district and thus subject to the design guidelines for Honeygo.

1. Assisted living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the BCC. The following information is required for a compatibility review:
 - a. Compatibility report that responds to the 8 compatibility objectives;
 - b. architectural elevations and first floor plan;
 - c. signage (elevation and location);
 - d. site lighting (location and fixture).
2. The lot shall provide a useable, contiguous, and private open space of at least 500 square feet.
3. Existing vegetation on site satisfies the need for a landscape plan.

Section Chief:



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: October 23, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 11130 Philadelphia Road

Revised Comment

INFORMATION:

Item Number: 42

Petitioner: Elden E. LeBrun

Property Size: 3.5± acre

Zoning: DR 2H

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The site is located within the Honeygo Overlay district and thus subject to the design guidelines for Honeygo.

1. Assisted living facilities, Class B, shall be subject to a compatibility finding pursuant to Section 26-282 of the BCC. The following information is required for a compatibility review:
 - a. Compatibility report that responds to the 8 compatibility objectives;
 - b. architectural elevations and first floor plan;
 - c. signage (elevation and location);
 - d. site lighting (location and fixture).
2. The lot shall provide a useable, contiguous, and private open space of at least 500 square feet.
3. Existing vegetation on site satisfies the need for a landscape plan.

Based upon additional information forwarded by Carolyn J. Eklund regarding the subject property, the Director of the Office of Planning finds that the proposed project is consistent with the criteria outlined in Section 26-282(b) of the Baltimore County Code.

Section Chief: _____

Jeffrey W. Lay

AFK:JL

c: Carolyn J. Eklund



**Maryland Department of Transportation
State Highway Administration**

File

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

October 28, 1998

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 042 (JCM)
Special Exception
11130 Philadelphia Rd.
Mile Post 8.23

(99-42-X)

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Exception.

However, we cannot approve the proposed entrance location due to insufficient eastbound sight distance.

We will require the owner to obtain an access permit and as a minimum require the following:

- the construction of a 75' long deceleration lane and a 25' long acceleration lane, 26' from center of existing roadway, to proposed face of curb.
- relocation of the proposed entrance to meet the required sight distance.
- minimum entrance width shall be 25' wide with 20' radii.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

f. j. Gredlein

Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

LG

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

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Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 042 (JCM)
Special Exception
11130 Philadelphia Rd.
Mile Post 8.23

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Exception.

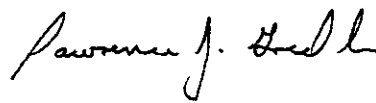
However, we cannot approve the proposed entrance location due to insufficient eastbound sight distance.

We will require the owner to obtain an access permit and as a minimum require the following:

- roadway widening from property corner to property corner, 26' from center of existing roadway, to proposed face of curb.
- relocation of the proposed entrance to meet the required sight distance.
- minimum entrance width shall be 25' wide with 20' radii.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL EXCEPTION
11130 Philadelphia Road, N/S Philadelphia Rd, 723'
E of Joppa Road, 11th Election District,
5th Councilmanic

Legal Owners: Elden E. and Geraldine D. LeBrun
Contract Purchaser: Carolyn J. Eklund

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-42-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1998, a copy of the foregoing Entry of Appearance was mailed to Richard W. Moore, Esq., , 40 W. Chesapeake Avenue, Suite 518, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

LAW OFFICES
RICHARD W. MOORE
A PROFESSIONAL ASSOCIATION

40 West Chesapeake Avenue
Suite 518
Towson, Maryland 21204

RICHARD W. MOORE

RENEE C. GUCKERT
LEGAL ASSISTANT

(410) 938-2222
FAX (410) 938-2225

August 7, 1998

Ms. Carolyn Eklund
3306 Greenton Avenue
Baltimore, Maryland 21214

Re: Zoning Hearing, September 10, 1998

Dear Joy:

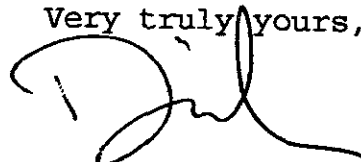
Please be advised that I have received the notice from Baltimore County of the zoning hearing now set for September 10, 1998 at 11:00 a.m. Unfortunately, because of a prior commitment, I will, on September 10, 1998, be in Wyoming. Thus, I will not be available to represent your interests at that time.

If you wish me to be present to assist you in that matter, please contact the Zoning Commissioner of Baltimore County to ask that this be put on the next scheduled hearing following September 10, 1998. They generally would be able to reschedule that for one or two weeks later.

In any event, I do not want to delay the process that you are in and for that reason, wanted to advise you now of the fact that I will be unable to represent your interest at that September 10, 1998 hearing. Please advise me what you want to do with regard to the rescheduling of this hearing.

Thank you.

Very truly yours,



Richard W. Moore

RWM/la
Enclosure

MY SISTER'S PLACE, INC.
3306 GRENTON AVE.
BALTIMORE, MARYLAND
21214

CK
PSE
WCE
9-1-98

AUGUST 26, 1998

SOPHIA JENNINGS
DEVELOPMENT PROCESSING
COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVE.
TOWSON, MD 21204

RE: ZONING HEARING, CASE NUMBER 99-42-X

MS. JENNINGS,

ATTACHED IS A COPY OF THE LETTER SENT TO ME BY MY LAWYER INDICATING THAT HE WOULD BE UNABLE TO REPRESENT MY INTERESTS AT THE ZONING HEARING ON THE DATE ORIGINALLY ASSIGNED BECAUSE HE WILL BE OUT OF STATE.

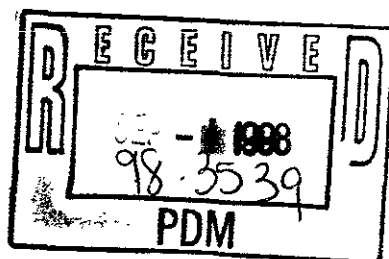
PURSUANT TO THIS LETTER I CALLED THE ZONING OFFICE TO RESCHEDULE THE HEARING AND SOMEONE THERE MISREPRESENTED TO ME THAT HE COULD DO THAT FOR ME, THAT "HE MADE THE CHANGE ON THE CALENDAR FOR SEPTEMBER 17TH AT 10:00 AM." AND ASSURED ME THAT IT HAD BEEN TAKEN CARE OF.

TO MY GREAT SURPRISE, MR. TOM OGLE (WHO HAD BEEN CONTRACTED TO DO THE POSTING) TOLD ME THAT HIS INFORMATION INDICATED THAT MY HEARING WAS SCHEDULED FOR SEPTEMBER 10TH AND GAVE ME THE STEPS I NEEDED TO TAKE TO CORRECT THE SITUATION. THANK GOD SOME PEOPLE HAVE RETAINED THEIR PROFESSIONALISM!!

TO THAT END, FOLLOWING THE INSTRUCTIONS YOU GAVE ME OVER THE PHONE YESTERDAY EVENING, I AM WRITING TO REQUEST THAT YOU RESCHEDULE THE ZONING HEARING DISCUSSED ABOVE WITH THE FORE KNOWLEDGE THAT OTHER PARTIES INVOLVED WILL BE OUT OF TOWN ON SEPTEMBER 25TH OF THIS YEAR.

THANK YOU FOR YOUR COOPERATION IN THIS MATTER.

TRULY,
(Carolyn J. Eklund)
CAROLYN J. EKLUND



MY SISTER'S PLACE, INC.
3306 GRENTON AVE.
BALTIMORE, MARYLAND
21214

September 30, 1998

Arnold F. 'Pat Keller, III, Director
Office of Planning

Re: 11130 Philadelphia Road
Special Exception Recommendations

Compatibility Report:

As per your request, this report will address the compatibility objectives- point by point- as set forth in Section 26-282(b) of the BCC.

1. The proposed building will be adjoined to an existing building in the center of a 3.5 acre parcel to maintain as much privacy as possible which is patterned in a similar manner to those in the neighborhood.
2. The parking lot- consisting of 6 spaces – will be located in an area between the house and Philadelphia Road, inconspicuous to any neighbors or passers-by .
3. A new and private driveway is proposed to avoid any additional traffic on the immediate neighbors' roadway and to provide safer access to the State Road. There are no sidewalks in this area.
4. Large areas of open space surround the building complex. The nearest property line is 140 ft., which is measured from the pre-existing building.
5. There are no distinctive buildings in the area. The only vista in the area might be seen from the third story of the new building.
6. Landscaping- natural tree lines –will be disturbed as little as possible and restored as necessary.
7. Exterior signs and lighting will be that which is mandated by the State and for the safety of residents, staff and visitors.
8. The proposed three story Victorian house will be larger than those in the neighborhood, but is set back far enough not to be intimidating.

The overall concept of My Sister's Place, Inc., an assisted living facility for the elderly, is to provide the care needed by our senior citizens in a home like atmosphere. This would preclude an institution like building or setting, which is why a sparsely populated residential area is the placement of choice. All measures have been taken to assure compatibility with the existing neighborhood, that we might join rather than disrupt.

Attached are the architectural elevation and the first floor plan for your inspection.

If I can provide any further information, please feel free to contact me at the address above.

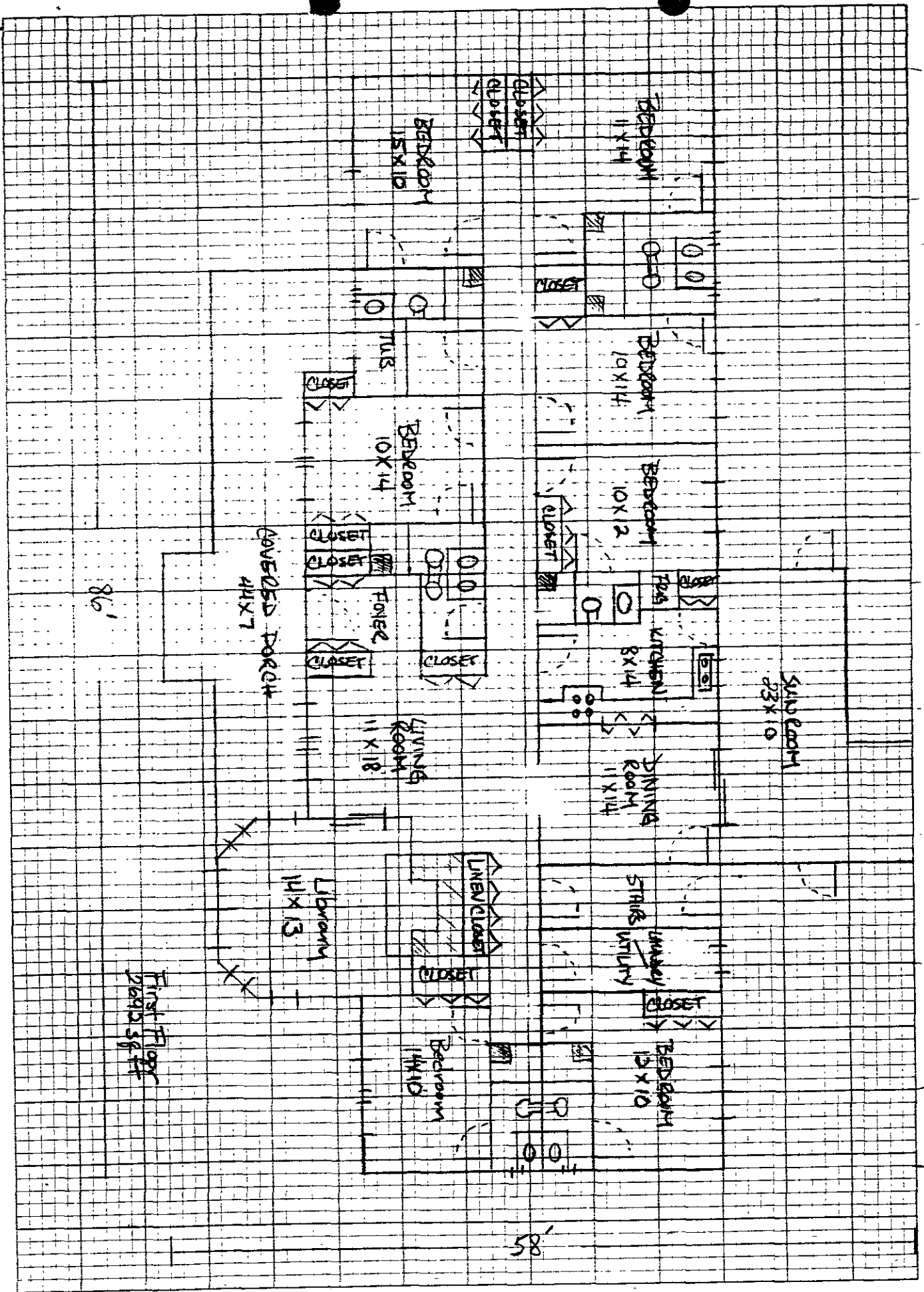
Truly,

Carolyn J. Eklund

My Sister's Place, Inc.

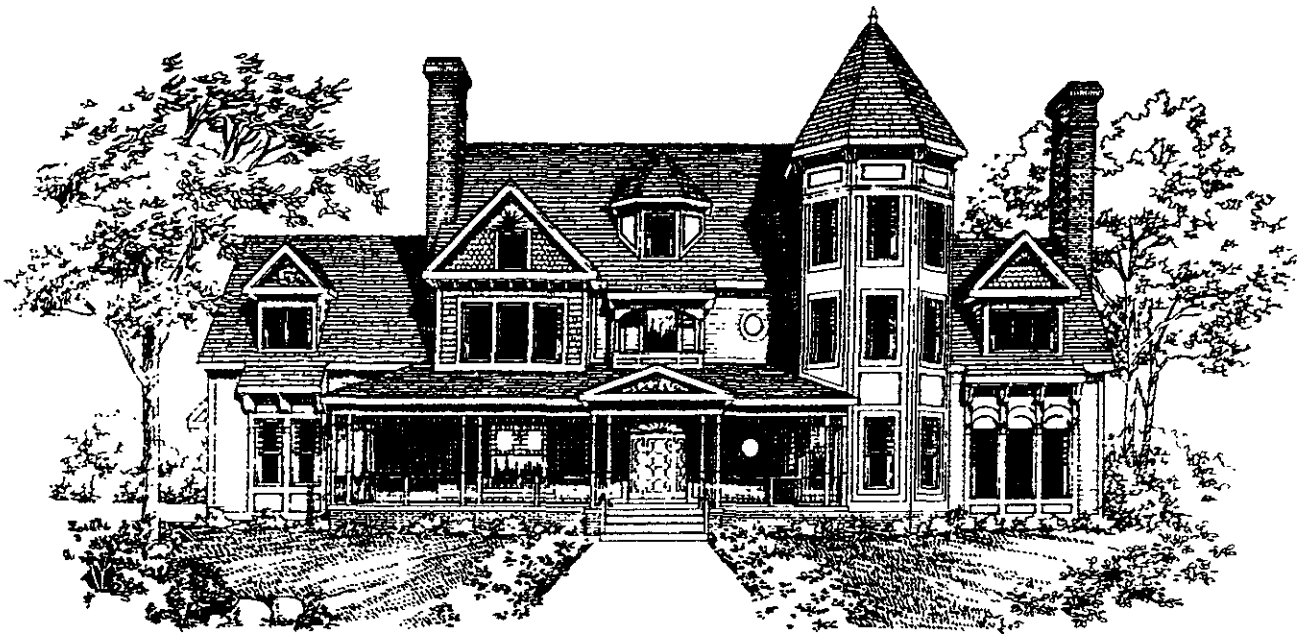
"Old fashion hospitality makes the living easy."





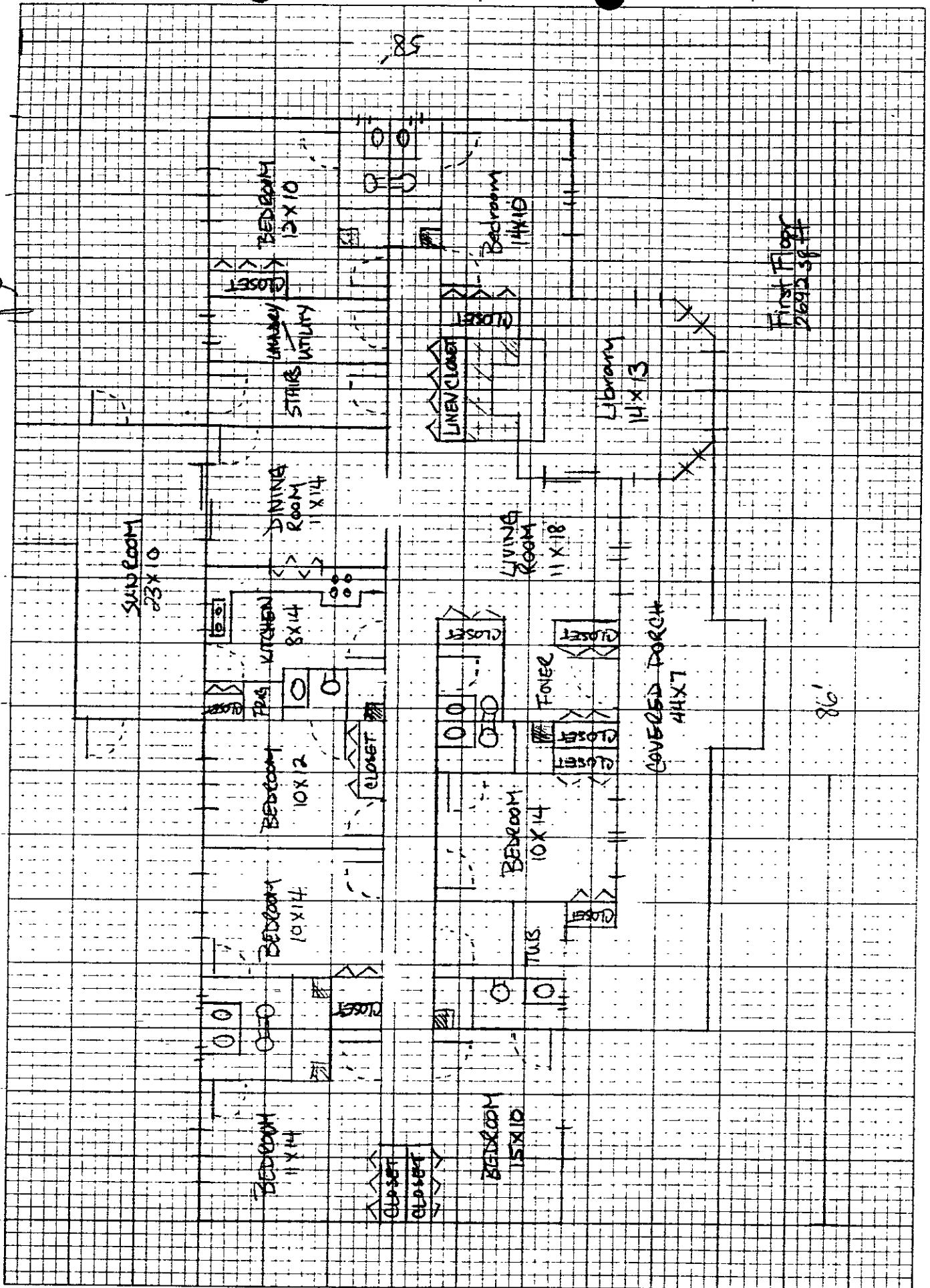
My Sister's Place, Inc.

"Old fashion hospitality makes the living easy."



Ref No 2

Job No 3



First Floor
2692 sq ft

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RICHARD W. MOORE

40 W CHESAPEAKE AVE 21204

Carolyn J. Eklund

3306 Greentree Ave. 21214

Elizabeth Le Brun

11130 Phila Rd 21162

Eden Le Brun

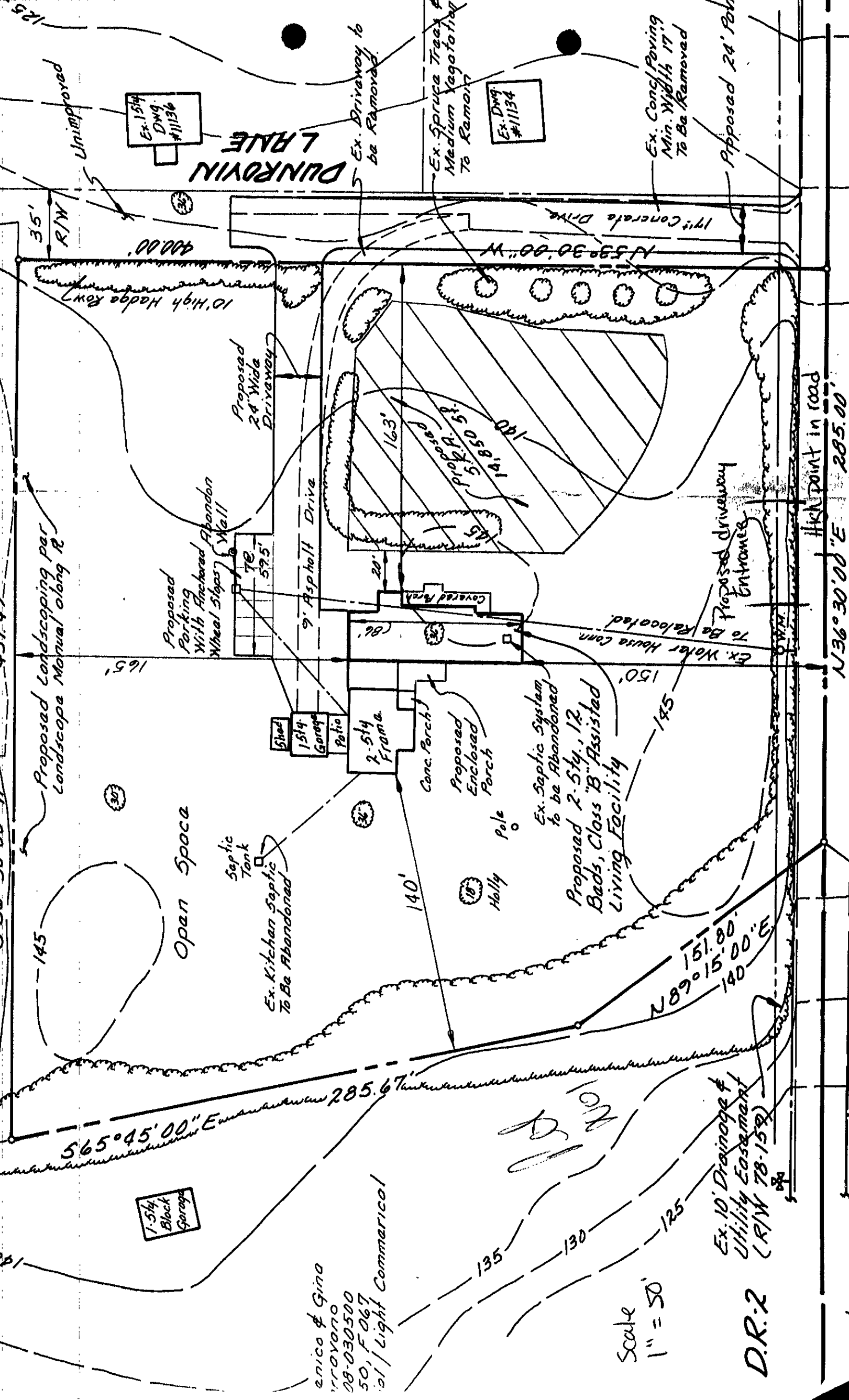
11130 Phila Rd 21162

Larry Otten

11136 Philadelphia Rd 21162

Neighbor

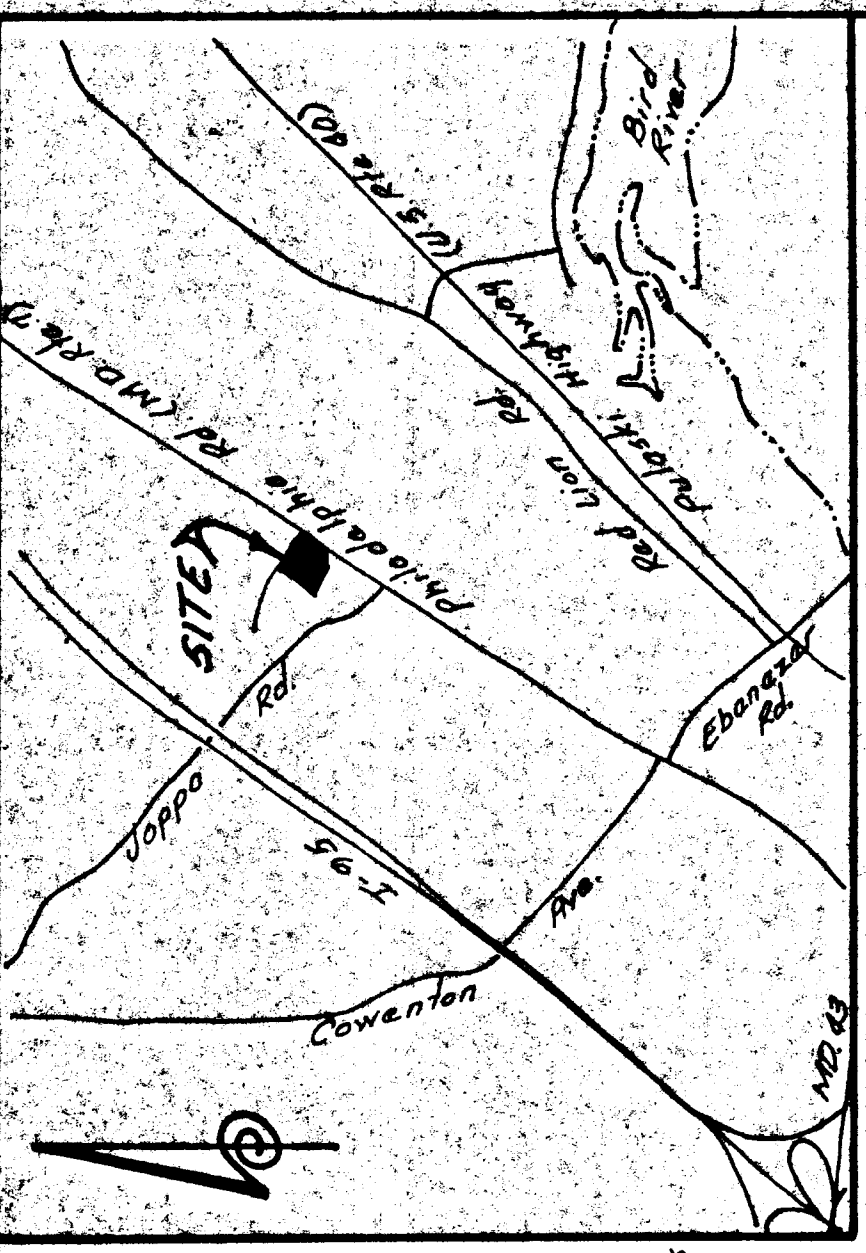




enico & Gina
PROVONO
08-030500
50, F 067
21 / Light Commercial

Ex. 10' Drainage &
Utility Easement
(R/W 78-159)

D.R.2



LOCATION INFORMATION	
Council/Manic District: 5	
Election District: 11	
1"=200' Scale Map # NE 91	
Zoning: DR2H	
Lot Size: 153,666 SF or 3.53 AC ±	
Chesapeake Bay Critical Area	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Prior Zoning Hearings	None
Zoning Office Use Only	
Reviewed By	Ham # Case #

Notes:

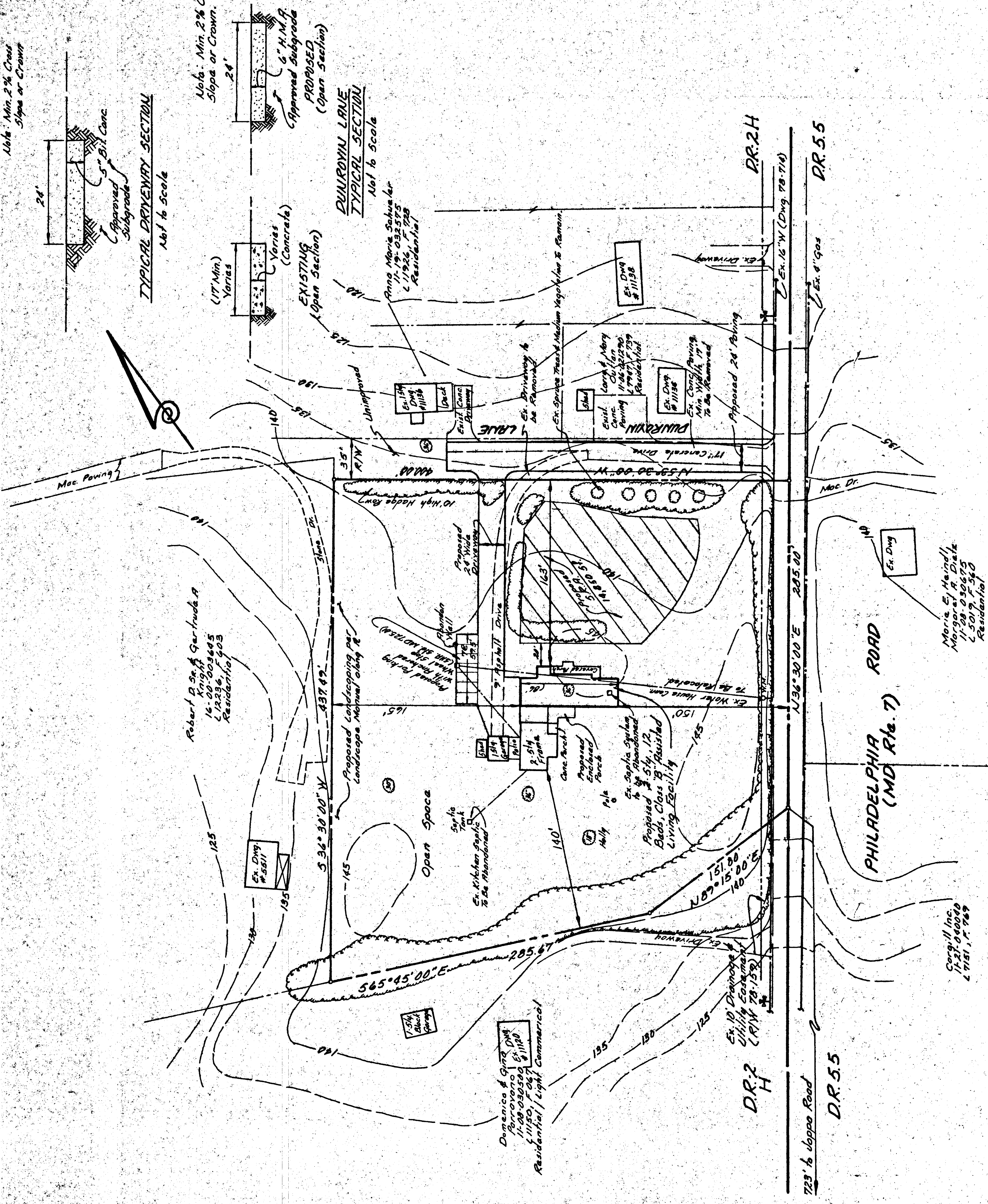
- Class "B" Assisted Living Facility
- 12 Beds Proposed
- Lot Size Requirement: 25,000 SF
- Setback: 10' (Rear), 5' (Side)
- Ex. 10' (Front) (10' Min)
- Proposed: 10' (Front) (10' Min)
- Proposed: 10' (Front) (10' Min)

PLAN TO ACCOMPANY
SPECIAL EXCEPTION HEARING
for
CLASS "B" ASSISTED LIVING FACILITY

Elmer E. Labrum, Sr. and
Geraldine B. Labrum
1130 Philadelphia Rd.
White Marsh, Md. 21162-1410

11th Elect Dist. - Baltimore County, Md.
Scale: 1"=30'

99.42-X



1. Parcel Owner: Elmer E. Sr. & Geraldine B. Labrum
1130 Philadelphia Rd.
White Marsh, Md. 21162-1410
2. Tax Account # 11-25-086240
3. Dead End 75' x 10' x 10'
4. Tax Map 73, Grid 13, Parcel 01
5. Previous Commercial Permit - None
6. Site: 100' x 100' (Proposed)
7. 10' (Front) (10' Min)
8. Floor Area Ratio: 1.0
Total Gross Floor Area: 6,500 SF
Total Area of Property: 153,666 SF ± 0.0423
9. Off Street Parking: 12' x 10' x 10' (Proposed)
10. 10' (Front) (10' Min)

Red No 1

